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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,765

11/03/2005

Hartmut Meier

2380.0010000

5840

26111

7590

12/30/2008

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
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EXAMINER

PHAM, MINH CHAU THI

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

12/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/529,765	<b>Applicant(s)</b> MEIER ET AL.	
	<b>Examiner</b> MINH-CHAU T. PHAM	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/21/08 &amp; 3/30/05</u> .                                   | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5 and 7-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dautenhahn (6,749,655 B2).

Dautenhahn discloses a cleaning device for process gases that is configured to generate clean process gas from contaminated process gas in a reflow soldering system (see Fig. 2, col. 1, lines 5-16) comprising a cleaning chamber (see Fig. 2, 42, 44, col. 5, lines 19-38, col. 6, lines 11-25) a cleaning liquid from the soak zone (13) to clean the contaminated process gas, the cleaning chamber (42, 44) allowing the contaminated process gas to flow therein via a supply line (28) and allowing the cleaned process gas to flow therefrom via a discharge line (32) (see col. 4, lines 39-50), and deposition member (60, see Figs. 4-6) having the surface being configured to receive a film of the cleaning liquid (62) and being configured to be an outer wall of the cleaning device (see Figs. 4-6, col. 6, lines 46-65) (see also col. 6, line 66 through col. 7, line 24). Claims 1-5 and 7-19 call for the deposition member to be a deposition wall rather than the wettable balls (60). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to adopt any shape of the deposition member as deposition wall or deposition wettable ball or any other desired shape since it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modification. *Eskimo Pie Corp v. Levous et al* 3 USPQ 23.

***Response to Amendment***

Applicant's arguments filed on October 24, 2008 have been fully considered but they are not persuasive.

Applicant argues that none of the cited prior arts Heller et al or the Chinese reference discloses a cleaning device comprising a chamber having a deposition wall having a surface configured to receive a film of the cleaning liquid". The Examiner now drops both Heller et al and the Chinese references and newly introduces Dautenhahn (6,749,655 B2) as the primary reference under the 103(a) rejection of the claims to show:

Dautenhahn discloses a cleaning device for process gases that is configured to generate clean process gas from contaminated process gas in a reflow soldering system (see Fig. 2, col. 1, lines 5-16) comprising a cleaning chamber (see Fig. 2, 42, 44, col. 5, lines 19-38, col. 6, lines 11-25) a cleaning liquid from the soak zone (13) to clean the contaminated process gas, the cleaning chamber (42, 44) allowing the contaminated process gas to flow therein via a supply line (28) and allowing the cleaned process gas to flow therefrom via a discharge line (32) (see col. 4, lines 39-50), and deposition member (60, see Figs. 4-6) having the surface being configured to receive a film of the cleaning liquid (62) and being configured to be an outer wall of the cleaning device (see Figs. 4-6, col. 6, lines 46-65) (see also col. 6, line 66 through col. 7, line 24), as claimed. Claims 1-5 and 7-19 call for the deposition member to be a deposition wall rather than the wettable balls (60). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to adopt any shape of the deposition member as deposition wall or deposition wettable ball or any other desired

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shape since it is well settled that mere change of shape without affecting the function of the part would have been an obvious design modification. Eskimo Pie Corp v. Levous et al 3 USPQ 23.

Applicant's arguments with respect to claims 1-5 and 7-19 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU T. PHAM whose telephone number is (571)272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Minh-Chau T. Pham/  
Examiner, Art Unit 1797  
December 22, 2008